

Guidance Note 2: Interstate or international remote work

Default position for office-based employees

Version 1.1 - 14 April 2021

What is a Guidance Note?

A Guidance Note provides further detail to the Flexible Work Policy and supports consistent implementation across departments and relevant agencies, in alignment with the Flexible Work Policy.

As such, the primary foundation of all Guidance Notes is that information contained is to be read as in addition to compliance with the Flexible Work Policy.

All guidance notes will be reviewed quarterly.

Purpose

This document sets out the whole of Victorian government position on interstate or international remote working for Victorian Public Service (VPS) office-based employees.

Guidance

Employees may be supported to temporarily work from an interstate location for up to three months in a 12-month period.

Reasons for a request may include:

- to help care for a family member or friend

- to access medical or other care for themselves

- if they need a reasonable adjustment as per the [Fair Work Act 2009](#)

Temporarily working from an interstate location is not a substitute for taking leave.

All requests should be assessed on a case-by-case basis against the following principles:

1. the employee can fulfil the inherent requirements of their role
2. the employee will be safe and well
3. the employee must be able to continue with service delivery
4. the employee is still able to continue working effectively with their team and manager
5. requests comply with the law, in both the home and temporary jurisdictions

Approval of requests are at the discretion of the employer, and should take into account legal and financial considerations (see below).

Employees will not be supported to relocate permanently to an interstate or international location.

Employees will not be supported to temporarily work from an international location.

Legal considerations

For interstate arrangements, the [Victorian Public Service Enterprise Agreement](#) and the [Commonwealth Fair Work Act 2009](#) will continue to apply to the employee.

Employers may also have obligations under other State law where the employee is temporarily working from.

It's the responsibility of both the employer and employee to understand how local laws will impact them.

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Financial considerations

Employers may face additional costs in supporting their employees to work from an interstate location, such as:

- equipment
- insurance
- stationery

Employers and employees need to agree on who is liable for any costs related to interstate work.

Rationale

The Victorian Government and the VPS prioritises jobs for Victorians and economic activity in Victoria.

Further, in fulfilling their commitment to serve the Victorian community, VPS employees should bring their experience and understanding of living in Victoria to their work.

Exceptions

International VPS offices

This guidance does not apply where an employee's primary office is located overseas.

Generally, these employees are contracted under the employment laws of the relevant country.

In such circumstances, employers should continue to follow the arrangements they already have in place.

Border town VPS offices

Where a VPS office is located within a Victorian border town (e.g. Wodonga), there may be some employees who reside just across the border interstate (e.g. Albury).

In such circumstances, employers should continue to follow the arrangements they already have in place.

Highly specialised or technical skills

There may be circumstances where a department decides to appoint someone who is located interstate or overseas, such as where employers require highly specialised or technical skills that are not available within the Victorian labour market.

These appointments will generally be fixed term by nature.

Where such appointments are over 12-months or ongoing, employers should consider whether there are suitable employees that could be upskilled to undertake the role.

Interstate or international appointments of employees with highly specialised or technical skills must be supported by strong justification and approved by a departmental secretary or equivalent.

Where employers appoint an employee located interstate or overseas, they should explore supporting the employee to relocate to Victoria.

Other exceptions

There may be other exceptional circumstances where an employee is supported to work:

- interstate longer than three months within a 12-month period; or
- temporarily from an international location

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These arrangements must be approved by a departmental secretary or equivalent.

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